REMARKS

Claims 173, 174, 176, 179, 181 and 182 are pending. Previously, claims 173, 174, 179 and 181 were indicated as having been allowed. Claims 176 and 182 were rejected under 35 USC§112.

Claim 182 depends from claim 176. All amendments to claims 176 are incorporated into claim 182. Hence, only claim 176 need be amended.

The examiner has not addressed the explanation requested at page 3 of the prior response:

> "On September 8, 1999, an Interview Summary of September 7, 1999 was telefaxed to applicants representative. This indicated that an action should be expected by the end of the month. The action did not issue until December 27. Nor did the examiner contact applicants' representative until the end of October. An explanation for the delay following the examiner's precise statement of actions is required."

Applicants again call upon the examiner to explain the delays.

The examiner then states, in the office action:

> "While applicant states that an explanation is needed and requested; it is not clear what applicant is requesting. Applicant raised similar issues at the Interview, held in 9/7/99 (Paper No. 23), with the current examiner and two of the same examiners that were present 12/22/98 (Paper No. 17). It appeared that applicant's concerns were addressed at this subsequent interview and that all agreed to further prosecute the instant application and claims."

There was an interview on December 22, 1998, and an Examiner Interview Summary did issue.

On February 1, 1999, applicants filed an Amendment which stated, at the first page:

> "It is believed that the Examiner Interview Summary is inaccurate, so a correct statement of what was discussed and agreed to follows."

At page 2, applicants stated that, the amendments presented had been discussed, and agreed to. Applicants also stated, over pages 2-3:

> "Given the amount of time expended on the interviews the agreement that was reached, and the mission of same in the Examiner's Interview Statement applicants insist that, if anything other than

> a 'clean' allowance is not forthcoming, that all three of the listed USPTO personnel sign the documents."

A clean allowance did not follow. Nor did the three listed USPTO personnel sign any documents. Rather, what followed were sequence requirements, on May 12, 1999, and August 31, 1999.

Applicants summary of the interview was complete. If the examiners disagreed with it, in any way, MPEP 713.04 is very clear:

> "If there is an inaccuracy and it bears on the question of patentability, it should be pointed out in the next letter."

As pointed out, the next two letters were sequence requirements. The next rejection simply says "the current examiner cannot determine what was discussed or agreed upon other than what is in the file application." This is not sufficient. What needs to be clarified are the following:

1. Why was the Examiner Interview Summary Sheet of 12/23/98 inaccurate? In connection with this, given the length and complexity of the interview why did the supervisory personnel involved in the interview not address the summary?

2. Why did the USPTO not address the specific points raised and requested in applicants February 1, 1999 response, over pages 2-3?

3. MPEP 713.04 is clear as to what the requirements are when an applicant summarizes an interview. Why were these requirements not followed?

Applicants are aware of the right to make a new Grounds of Rejection. It should also be noted that applicants are entitled, as a matter of right, to explanations of actions taken in the prosecution of an application. Applicants call upon the USPTO to respect that right, and to follow the specific obligations attendant thereon.

With respect to point "5" of the action, pages 27 and 28 have been modified.

A declaration will follow, as per applicant's prior remarks.

Applicants do not agree with the examiner's characterization of the term set forth at point 9 of the action. First, the term was accepted in the parent, i.e., US Patent No. 5,342,774. Indeed, it was suggested by the USPTO. It is the same term, used in connection with the same set of conditions. The only thing that has changed is the examiner. This is not grounds for a term, previously considered definite, to be termed indefinite.

Solely in an effort to expedite prosecution, the most stringent conditions listed at page 48, i.e., 0.1XSSC, 0.1% SDS, are recited; however, the remarks at page 48 of the specification with respect to stringency are not disavowed. Other conditions of stringency are equivalent to those

recited in the claims. They are covered as well.

The office action set forth three objections/rejections, i.e. (i) the term "BALB/c" should be used at pages 27/28. It is used; (ii) a new declaration is required. As noted by the examiner, this can be deferred; (iii) conditions of stringency need to be recited. They are recited.

The allowance promised in December, 1998, should now follow.

Respectfully submitted,
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